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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 12, 2007

Date of Meeting: March 20, 2007

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:35 p.m. on Tuesday, March 20, 2007, all members having been notified of the time and place thereof.

### 1. **ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra  
Carol W. West  
Karin Uhlich  
Shirley C. Scott  
Steve Leal  
Nina J. Trasoff  
Robert E. Walkup

Council Member Ward 1  
Vice Mayor, Council Member Ward 2  
Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein  
Michael Rankin  
Kathleen S. Detrick  
Mike Letcher

City Manager  
City Attorney  
City Clerk  
Deputy City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Ceci Sotomayor, City Clerk's Office, after which, the Pledge of Allegiance was led by Jesus Rodriguez and Michael Fields, YouthWorks honor students.

### **Presentations**

- a. Mayor Walkup proclaimed March 13 through April 28, 2007, to be "Arizona Multihousing Association Project S.A.F.E. Month."

Kathleen S. Detrick, City Clerk, announced Danitza Elias would assist anyone in the audience needing Spanish language translation for items listed on the agenda.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 131, dated March 20, 2007, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Vice Mayor West congratulated Council Member Uhlich for receiving the Vibrant Economy Award from the Sonoran Institute.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 130, dated March 20, 2007, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

There was no report.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 137, dated March 20, 2007, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. WILKO, Ward 6  
943 E. University Blvd. #171  
Applicant: Peter Thomas Wilke  
Series 10, City 11-07  
Action must be taken by: April 2, 2007  
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer(s)

2. La Movida, Ward 5  
4525 S. Park Ave.  
Applicant: Richard Lee Forbes  
Series 6, City 8-07  
Action must be taken by: March 26, 2007  
Development Services and Revenue Investigations have indicated the applicant is in compliance with city requirements.  
Tucson Police Department has submitted a report showing "no recommendation." (CONTINUED FROM MAYOR AND COUNCIL MEETING OF MARCH 6, 2007)

Considered separately.

Location Transfer(s)

3. The RumRunner, Ward 6  
3131 E. First Street  
Applicant: Jennifer Lea Elchuck  
Series 9, City 5-07  
Action must be taken by: March 25, 2007  
Staff has indicated the applicant is in compliance with city requirements.  
(CONTINUED FROM MAYOR AND COUNCIL MEETING OF MARCH 6, 2007)  
Public Opinion: Written Argument in Favor Filed
4. The RumRunner, Ward 6  
3131 E. First Street  
Applicant: Jennifer Lea Elchuck  
Series 7, City 6-07  
Action must be taken by: March 25, 2007  
Staff has indicated the applicant is in compliance with city requirements.  
(CONTINUED FROM MAYOR AND COUNCIL MEETING OF MARCH 6, 2007)  
Public Opinion: Written Argument in Favor Filed

c. Special Event(s)

1. Tucson Breakfast Lions Club (TBLC), Ward 5  
4823 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T11-07  
Date of Event: April 13, 2007 - April 14, 2007  
(Fundraiser)  
Staff has indicated the applicant is in compliance with city requirements.
2. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Alison Sylvester  
City T14-07  
Date of Event: March 31, 2007 - April 1, 2007  
(Fundraiser - Artisan's Market)  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b3, 5b4, 5c1 and 5c2 to the Arizona State Liquor Board with a recommendation for approval.

Council Member Trasoff also added that The RumRunner, whose liquor license applications were on the agenda as Items 5b3 and 5b4, was a local business held in high esteem as both a restaurant and a high quality wine store. The business relocated within less than a block of its previous location and had stayed in the ward they had originally been in. It was located in an area where the neighborhood supported it. Council Member Trasoff said she thought that relationship should be recognized.

**5. LIQUOR LICENSE APPLICATIONS**

b. Liquor License Application(s)

Person Transfer(s)

2. La Movida, Ward 5  
4525 S. Park Ave.  
Applicant: Richard Lee Forbes  
Series 6, City 8-07  
Action must be taken by: March 26, 2007  
Development Services and Revenue Investigations have indicated the applicant is in compliance with city requirements.

Tucson Police Department has submitted a report showing "no recommendation." (CONTINUED FROM MAYOR AND COUNCIL MEETING OF MARCH 6, 2007)

Kathleen S. Detrick, City Clerk, announced 5b2, a request for a person transfer for La Movida, would be considered separately. The Tucson Police Department had submitted a report showing "no recommendation." The application was located in Ward 5.

Council Member Leal asked the applicant, Richard Forbes, if he had had an opportunity to review the staff recommendation and if Mr. Forbes had any comments.

Mr. Forbes stated they held three other liquor licenses in Maricopa County. Mr. Forbes said they had had liquor licenses for over eleven years and they had received several violations, as almost any bar would. He believed that was why the Tucson Police Department had no recommendation. Mr. Forbes stated he was listed as the agent on the other liquor licenses.

Mr. Forbes said one of their locations at the Westcor Mall was closed. The location had been at Seventy-fifth Avenue and Thomas Road. Their other location was in Tempe adjacent to the Arizona State University, at which they had a very good track record. He stated they had had a couple of underage violations over the years. In Tempe, only having two violations was pretty good, it being a college town. Their other location at Thirty-fifth Avenue and Peoria had never received any violations. They had received a warning, but never any violations. The one club that had the most violations was a nineteen thousand square foot establishment inside the Desert Sky Mall at Seventy-fifth Avenue and Thomas Road. He said that was where most of their violations occurred and they had since closed that location.

Council Member Leal said the rough tally was nine to eleven underage individuals had been served.

Mr. Forbes disagreed saying the one violation of the closed club there was due to four underage people. He explained there had been a separate billiard room at the closed location. When the violation occurred, he visited the compliance office in Phoenix, and the person he spoke to said they needed to list the business as a pool hall so underage children would be allowed there. He said there had been four children, approximately fourteen years of age, who were playing pool in the game room, which contained video machines and billiard tables. The young children were not drinking, they were just inside the building.

Council Member Leal inquired about an act of violence that was not reported to the police department.

Mr. Forbes responded it was the only violation they had at that establishment in eleven years. He explained the incident occurred on a Friday or Saturday evening at an

eighteen thousand five hundred square foot establishment that contained billiard tables. He explained that two people were at a pool table and had begun to argue with each other. Immediately, the doorman ushered them out the front door. He said the argument continued into the parking lot. One man went to the hospital and had to file something and that was how the incident was reported to the liquor department. They were cited with failure to report the incident, but nothing actually occurred at the location.

Mr. Forbes said he spoke to Richard Gilchrist, the compliance officer, and Mr. Gilchrist said he understood and issued them a warning.

Council Member Leal indicated he lived down the street from the proposed location and he drove by it everyday. He explained that a friend of his was building a dance studio across the street. He said he had noticed construction was taking place behind the proposed location and he thought it appeared a patio was being built. He called to find out what was going on. He stated it was disturbing to him because it appeared they were circumventing the law. If the applicants requested their liquor license first and then wanted to get an extension of premises, they would be told "no." By building the patio and then asking for the license, the patio was pre-existing and they would not have to ask for an extension of premises.

Council Member Leal said perhaps it was cynical of him, but Mr. Forbes managed a number of businesses and liquor licenses and was familiar with extensions of premises and was familiar with getting permits. He added that Mr. Forbes had not obtained a building permit and City staff had told Mr. Forbes that he needed to have a restaurant license if the site was not going to be a bar.

Council Member Leal said the number of violations, serving to minors, the way the patio was handled, and not reporting violence to the police, raised serious questions. He stated a person to person transfer in Arizona could only be gauged by suitability and fitness of character and those were the issues that were in his mind.

Mr. Forbes agreed with Council Member Leal. He assured Council Member Leal that he was a very good businessman. He said he could have put his brother's name on the application. He explained that they had been in Arizona for twenty-one years and had owned twenty-five Arizona Outfitters and Western Warehouse stores in the southern United States. They had two gift stores in Tucson and they were very good businessmen. They had gotten into the restaurant and bar business and have worked hard to keep their businesses safe and worked hard to do the right thing. All of their managers have been to management training, and all their employees have went to liquor license training. They hired doormen, checked identification, and worked hard at "doing it right," but there had been times things slipped through the cracks.

Council Member Leal said there was a lot that had slipped through. He said it was starting to look like the more spread out they became, the worse the odds were and it was understandable. It happened in everyone's lives.

Council Member Leal asked to hear from the Tucson Police Department so they could apprise the Mayor and Council. He indicated there were members of the neighborhood in attendance who would like to comment on this item. He added he would like to give Mr. Forbes an opportunity to respond.

Sergeant Jim Stoutmeyer, Tucson Police Department, said he worked in the vice unit and was in charge of doing the liquor law inspections. He reiterated Council Member Leal's concerns and he explained that was the reason why they gave a no recommendation based on the amount of violations the applicant had. There were seven violations over the past few years and four of them in the last two years. Sergeant Stoutmeyer said he had doubts about the applicant's reliability, capability, and ability to run the business.

Council Member Leal invited the next speaker to the podium. He stated there had been a serious amount of work by families and neighborhoods relating to underage drinking in the Tucson community. He explained that it was something the community considered seriously and he said he believed they had made progress at changing standards and focusing on the issue. He said he did not know what other communities did or tolerated, but he thought Tucson's standards were better and were so with good reason.

Lupe Rodriguez, Fairgrounds Neighborhood Association, explained that their neighborhood was across from Mr. Forbes' establishment, La Movida. She said they had several concerns, one being they were trying to keep the saturation of liquor licenses down in their area. They did not necessarily consider La Movida a terrible place, but she said they had concerns with the applicants. They seemed to have not been able to complete their application properly. She stated that out of the twenty-five businesses serving liquor within one-mile of La Movida, only eight were listed on their application. She said they either did not take a good look at the neighborhood or they did not want to include them. It was upsetting that they had not included their latest infractions. She questioned how much time they would be able to give the business in Tucson since the applicant had businesses in Scottsdale. She explained they had listed two people as managers who did not seem to have the credibility to handle a liquor establishment. These concerns showed the applicants were not reliable, qualified, or capable.

Council Member Leal thanked Ms. Rodriguez and called on the next speaker. He noted they had not lost flexibility for the capacity for good judgement as the community became more exacting and had raised standards. He said it was not too long ago an application for this location was before the Mayor and Council. At that time, he and the neighborhood supported it because of the particular circumstances. He said he did not want anyone to think there was rigidity or arbitrariness on the part of the community the speakers came from.

Yolanda Herrera, Sunnyside Neighborhood Association President and Southside Neighborhood Association Residential Partnership President, announced she was a resident and not a paid speaker. She said in regards to underage drinking, a friend of hers

who worked at the University of Arizona said cars were “windshielded” with La Movida flyers. She explained “windshielded” meant flyers were put on the windshields of vehicles in a parking lot. A great number of University of Arizona students were underage individuals. She said the flyer advertised Monday nights as one-dollar Bud and Bud Light long necks, Tuesday as one-dollar shots of Cuervo Gold, and two-dollar Coronas, Wednesday as two-dollar “you call its” on sixteen ounce house drafts, and Thursday as two-dollar “you call it” for ladies.

Ms. Herrera read a statement indicating after reviewing the application they found the following inconsistencies. They were greatly concerned about the applicant’s answers on the application regarding numbers fifteen, sixteen, eighteen and twenty, and charges and fines paid on violations of A.R.S. 421-A, A.R.S. 44.9, A.R.S. 4244.14, ARS 2442.22, ARS 4-2444.1, ARS 4244.2, and ARS 4-244.31. She added that as recently as March 2007, they were additionally fined on two other citations.

Ms. Herrera continued to say with so many violations stemming from domestic violence over serving underage and many other infractions and violations, there was an obvious and complete disregard to Arizona Revised Statutes, its Title 4, and Arizona liquor laws. She said they believed the applicants were not capable, qualified, or reliable to hold a liquor license and they requested the Mayor and Council deny the application. She explained that Arizona, Pima County, Tucson, and the City’s South Side, currently struggled with crime as evidenced by the round table sponsored by the City and the Southside Neighborhood Associations’ Residential Partnership held on March 1, 2007, to find solutions to curb crime. She said they were further challenged by underage drinking and drug use, which had a profound negative impact to the safety of the neighborhoods and their quality of life. They would rather be proactive than reactive, and they believed issuance of an interim permit person transfer to the applicants would be counterproductive. She requested the Mayor and Council deny the application.

Council Member Leal thanked Ms. Herrera and invited the last speaker to the podium.

Jesus Duran, Bravo Park Lane Neighborhood Association President, said he was present to voice his concern on the number six liquor license application being requested by La Movida at 4525 S. Park Avenue. He expressed their concerns with the applicants, Richard and Rhonda Forbes, were that they had no vested interests in the community and they had been cited for previous violations of serving to minors and other liquor license violations. The negative impact to the community of having empty beer bottles and drug paraphernalia where school children had to walk across that lot. He said one of the managers that would work there had a history of domestic violence and also had an open and ongoing case of driving under the influence. The other manager had various liquor violations dealing with serving to minors. He said according to the Mayor and Council report, two violations occurred as recently as March 1, 2007, and February 14, 2007, for serving a minor and for failure to report acts of violence. Mr. Duran said he felt the applicants were not capable, qualified, or reliable for these reasons.



Council Member Leal thanked Mr. Duran and asked Mr. Forbes if he would like to respond to the comments made.

Mr. Forbes said he did not know it was that bad. He said all he could say was the three locations they had in the Phoenix/Maricopa County area were very large establishments. Over the years, they had some underage related violations. He was not the one incurring the violations. A bartender was tricked. Someone came in and provided false identification, and when the liquor license agents came in to check identification the identification was thrown away. He said everyone in the room probably was aware of or had their chance to drink underage and got away with it.

Mr. Forbes stated that it was difficult being an owner of a bar. They did everything possible to stop underage drinking. They did not want them in there. They were not inviting them in there. They had worked very hard at that.

Mr. Forbes explained they had had three successful businesses and they did very well. They had thought to come down here because they had been in Tucson before with their western stores. They had many friends and acquaintances in the Tucson area and they thought they would try this. All they wanted was to be good businessmen. They wanted to be a good neighbor and he asked the Mayor and Council to give them a chance.

Mr. Forbes said with all the violations it sounded as though he was a bad guy, but it was not him, he did not even work at the places. He had a director of operations, which oversaw the clubs. They had general managers, assistant managers, and all their staff went through liquor training. They tried to do it right. They tried to be the good guy, not the bad guy. He said all they wanted to do was open a business, put people to work, and be a good neighbor in the community.

Mr. Forbes asked the Mayor and Council to give them a chance and they would do everything they could, whatever the recommendations they received from the community and from the Council. He said they had invested a lot into the business. He knew there was a problem with the patio and they had been led astray. A contractor had told them they did not need certain things and they could just put a patio in.

Mr. Forbes said they had since discovered with the no smoking issue they needed a patio. He explained they went through the no smoking issue in Tempe and they had to add a patio. He said there were fifty-five businesses that closed because of the smoking issue. He said he expected it might happen here. He did not know who was applying for patios and he was sure it was happening because that was why they tried to do it right but they had made a mistake.

Council Member Leal said it was untenable to be the boss and also interpret everything to not be his responsibility.

Mr. Forbes responded that he was responsible for everything.

Council Member Leal stated that Mr. Forbes had explained it all away. It was disturbing to him because it showed an attitude of tolerance toward the sloppiness and mismanagement that allowed events to occur. He said it was for these reasons, the drinking contest, over serving, not reporting, serving to minors, sidestepping the extension of premises, that gave him a great sense of foreboding and made him think that it was not something he could or should support. He thought it brought a collection of problems the community was sensitive to and that the speakers stated about fitness and suitability of character, and that was the legitimate basis for a recommendation of denial to the State of Arizona.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b2, La Movida, 4525 S. Park Ave., City 8-07, be forwarded to the Arizona State Liquor Board with a recommendation for denial.

## **6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. Mayor Walkup also announced a number of cards were submitted and Call to the Audience would be limited to thirty minutes. He assured the audience that anyone not called to speak at the meeting would be called on first to speak at the March 27, 2007, meeting.

- a. Mrs. Day thanked the Mayor and Council and staff for their assistance resolving an issue regarding late fees charged by Cox Cable in 2007.
- b. Stuart Thomas stated public access television was important to the community and urged the Mayor and Council to continue to support it.
- c. Drew Phillips said he felt public access channels should be protected and suggested the Mayor and Council negotiate with Cox Cable more aggressively to keep them.
- d. Jon Read stated how important Access Tucson was for promoting new, creative, and innovative ideas.
- e. Robert Reus suggested the City of Tucson address pollution from Sun Tran buses before enacting new ordinances regarding air pollution. He also said he would discontinue his Cox Cable service if he could no longer view Access Tucson programming.
- f. Joyce Smith stated that promoting the general public welfare was more important than corporate profits and she said she felt the public deserved full and open access to Access Tucson and other PEG channels.

- g. Mary Lopez, AFSCME Local 449 representative, said they were reviewing the compensation plan proposal and added she appreciated the cooperation from the City Manager and his staff and looked forward to working further with other City representatives regarding the plan.
- h. Michael Toney spoke about comparing coaxial cable to fiber optic cable. He also spoke about Access Tucson and the Cox Cable negotiations.
- i. Reverend Bishop Chicago said he felt the priorities of Tucson were not being addressed and urged everyone in the community to take responsibility for their actions.
- j. Carl Fiske urged the Mayor and Council to support local public access in its negotiations with Cox Cable.
- k. Daniel Dougherty urged the Mayor and Council to support public access television, as it was part of the public domain..
- l. Russ Dove said he thought local law enforcement agencies were selectively enforcing laws. He also thanked the Mayor and Council for not giving into the demands of Cox Cable.
- m. Roy Warden spoke about his recent arrests and his belief that the government and media were persecuting him. He also invited the public to a forum to address local issues.
- n. Robert Shatz and Faye Swailem, thanked the Mayor and Council for the proclamation for the Peace Walk to be held on March 25, 2007. The event was being held to break down barriers between people of all faiths.

## **7. CONSENT AGENDA – ITEMS A THROUGH O**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

### **A. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SOUTHERN ARIZONA AIDS FOUNDATION FOR THE 19TH ANNUAL AIDSWALK**

- 1. Report from City Manager MARCH20-07-134 WARD 6

2. Resolution No. 20599 relating to Finance; approving and authorizing the allocation of one thousand dollars (\$1,000.00) from the Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona AIDS Foundation for the 19<sup>th</sup> Annual AIDS WALK; and declaring an emergency.

This is a request by Council Member Trasoff. Allocation of funds is as follows:  
Council Member Trasoff - \$1,000.00

This item was considered separately at the request of Vice Mayor West.

**B. FINANCE: CHANGE OF PURPOSE OF ORIGINAL ALLOCATION FROM THE COMMUNITY SUPPORT FUND TO THE “A” MOUNTAIN COMMUNITY HOUSE**

1. Report from City Manager MARCH20-07-136 WARDS 1 AND 6
2. Resolution No. 20600 relating to Finance; approving and authorizing a change of purpose of the original allocations of one thousand dollars (\$1,000) from Ward 1 and three hundred sixty-five dollars (\$365) from Ward 6 for the “A” Mountain Community House to repair roof damage; and declaring an emergency.

This is a request by Council Member Ibarra and Council Member Trasoff. Reallocation of funds is as follows:

Council Member Ibarra - \$1,000.00  
Council Member Trasoff - \$365.00

**C. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE HIGHLAND VISTA NEIGHBORHOOD ASSOCIATION**

1. Report from City Manager MARCH20-07-135 WARD 6
2. Resolution No. 20601 relating to Finance; approving and authorizing the allocation of one hundred fifty dollars (\$150.00) from the Community Support Fund, Account No. 001-183-1898-268, to Highland Vista Neighborhood Association for the purchase of two tiles for the replastering of the Highland Vista pool; and declaring an emergency.

This is a request by Council Member Trasoff. Allocation of funds is as follows:  
Council Member Trasoff - \$150.00

**D. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE TUCSON CENTERS FOR WOMEN AND CHILDREN**

1. Report from City Manager MARCH20-07-138 WARD 2

2. Resolution No. 20602 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to Tucson Centers for Women and Children for the Mother's Day Luncheon scheduled to be held on May 8, 2007; and declaring an emergency.

This is a request by Vice Mayor West. Allocation of funds is as follows:  
Vice Mayor West - \$500.00

This item was considered separately at the request of Vice Mayor West.

E. COOPERATIVE PURCHASING AGREEMENT: WITH HARRIS COUNTY, TEXAS TO USE TUCSON'S PUBLIC SURPLUS CONTRACT FOR ONLINE AUCTIONS

1. Report from City Manager MARCH20-07-133 CITY-WIDE
2. Resolution No. 20603 relating to Procurement; approving a Cooperative Purchasing Agreement with Harris County, Texas relating to online auctions; and declaring an emergency.

F. TRANSPORTATION: AUTHORIZING THE FILING OF GRANT APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION

1. Report from City Manager MARCH20-07-139 CITY-WIDE
2. Resolution No. 20604 relating to Transportation; authorizing the filing of applications with the Federal Transit Administration (FTA), the execution of all agreements or documents required for the award and implementation of such grants on behalf of the City of Tucson; and declaring an emergency.

G. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR THE NAVAJO WASH DRAINAGE IMPROVEMENT PROJECT

1. Report from City Manager MARCH20-07-140 WARD 3
2. Resolution No. 20605 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County Regional Flood Control District for the Navajo Wash Drainage Improvement Project; and declaring an emergency.

H. TUCSON CODE: AMENDING (CHAPTER 27) TO ESTABLISH THE TERMS OF MEMBERS OF THE CITIZENS' WATER ADVISORY COMMITTEE NOMINATED BY THE CITY MANAGER

1. Report from City Manager MARCH20-07-141 CITY-WIDE
2. Ordinance No. 10379 relating to the Citizens' Water Advisory Committee; amending the Tucson Code, Chapter 27, Article III, Section 27-62 to establish the terms of members nominated by the city manager; and declaring an emergency.

This item was considered separately at the request of Vice Mayor West.

I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE BARRIO HOLLYWOOD NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager MARCH20-07-146 WARD 1
2. Resolution No. 20607 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Barrio Hollywood Neighborhood Reinvestment Project; and declaring an emergency.

J. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR ARTWORKS! ACADEMY

1. Report from City Manager MARCH20-07-142 WARD 6 AND CITY-WIDE
2. Resolution No. 20606 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to ArtWORKS! Academy for the sponsorship of a benefit on April 13, 2007 at the Tucson Museum of Art to raise funds for general support and program development; and declaring an emergency.

This is a request by Mayor Walkup and Council Member Trasoff. Allocation of funds is as follows:

Mayor Walkup -	\$250.00
Council Member Trasoff -	\$250.00

This item was considered separately at the request of Vice Mayor West.

- K. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE DIVISION FOR PEACE OFFICER CANDIDATE TRAINING
1. Report from City Manager MARCH20-07-144 CITY-WIDE
  2. Resolution No. 20608 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Department of Transportation Motor Vehicle Division to provide peace officer candidate training; and declaring an emergency.
- L. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE MYERS NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager MARCH20-07-147 WARD 5
  2. Resolution No. 20610 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Myers Neighborhood Reinvestment Project; and declaring an emergency.
- M. AMENDED FINAL PLAT: (S06-136) VISTA POINTE CONDOMINIUMS, UNITS 101 TO 168, UNITS 201 TO 268, EXCLUSIVE USE ELEMENTS Y101 TO Y168 AND COMMON AREA "A"
1. Report from City Manager MARCH 20-07-148 WARD 2
  2. Staff recommends that the Mayor and Council approve the amended final plat as presented. The Development Services Director recommends approval of the amended final plat. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- N. APPROVAL OF MINUTES
1. Report from City Manager MARCH20-07-149 CITY-WIDE
  2. Approval of minutes for the regular meetings of the Mayor and Council held on February 6, 2007, February 13, 2007 and February 21, 2007.
- O. TUCSON CODE: AMENDING (CHAPTER 27) IMPLEMENTING THE TUCSON WATER DEPARTMENT DROUGHT PREPAREDNESS AND RESPONSE PLAN
1. Report from City Manager MARCH20-07-129 CITY-WIDE AND OUTSIDE CITY

2. Ordinance No. 10380 relating to water; amending the Tucson Code, Chapter 27, Water, by adding a new Article VIII, Drought Preparedness and Response Plan; and declaring an emergency.

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Items B through O, with the exceptions of A, D, H, and J which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Items B through O, with the exceptions of A, D, H, and J which would be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

## **7. CONSENT AGENDA – ITEM A**

### **A. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SOUTHERN ARIZONA AIDS FOUNDATION FOR THE 19TH ANNUAL AIDSWALK**

1. Report from City Manager MARCH20-07-134 WARD 6
2. Resolution No. 20599 relating to Finance; approving and authorizing the allocation of one thousand dollars (\$1,000.00) from the Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona AIDS Foundation for the 19<sup>th</sup> Annual AIDSWALK; and declaring an emergency.

This is a request by Council Member Trasoff. Allocation of funds is as follows:  
Council Member Trasoff - \$1,000.00

It was moved by Vice Mayor West, duly seconded, to contribute three hundred and fifty dollars from the Ward 2 Community Support Fund to this request.

Council Member Scott stated her desire to contribute two hundred and fifty dollars from the Ward 4 Council Office.



Council Member Ibarra added a contribution of two hundred and fifty dollars from the Ward 1 Council Office.

Council Member Uhlich indicated the Ward 3 Council Office would be contributing one thousand dollars to the AIDSWALK in July 2007.

Council Member Trasoff thanked the Council for their strong support. She indicated the Ward 6 Council Office was contributing one thousand dollars to support funding for the AIDSWALK. She added she used to serve on its board.

Mayor Walkup added a contribution of five hundred dollars from his office.

Council Member Leal indicated his office had no money to contribute, but he had privately raised one thousand dollars for this event.

Kathleen S. Detrick, City Clerk, verified the amounts added by the Mayor and each Council Member to the original allocation from the Community Support Fund. They started with one thousand dollars, Vice Mayor West contributed three-hundred and fifty dollars, Council Member Scott contributed two hundred and fifty dollars, Council Member Ibarra contributed two hundred and fifty dollars, the Mayor contributed five hundred dollars, and Council Member Uhlich had a note about forthcoming funding. The total contributions equaled two thousand three hundred and fifty dollars. She announced the motion, duly seconded, was to pass and adopt Consent Agenda Item A, with the amended total of two thousand three hundred and fifty dollars.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Item A as amended, was declared passed and adopted by a roll call vote of 7 to 0.

## **7. CONSENT AGENDA – ITEM D**

### **D. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE TUCSON CENTERS FOR WOMEN AND CHILDREN**

#### **1. Report from City Manager MARCH20-07-138 WARD 2**

2. Resolution No. 20602 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to Tucson Centers for Women and Children for the Mother's Day Luncheon scheduled to be held on May 8, 2007; and declaring an emergency.

This is a request by Vice Mayor West. Allocation of funds is as follows:  
Vice Mayor West - \$500.00

Vice Mayor West announced there was an article in the March 20, 2007, newspaper citing the large number of women and children who were exposed to domestic violence in the community. She said she had requested this agenda item for the Tucson Centers for Women and Children who provided shelter and services to women and children. The Centers were having their annual Mother's Day Luncheon on Tuesday, May 8, 2007. She hoped some of her colleagues would join her in supporting funding for this endeavor. She said her office planned to contribute five hundred dollars.

Council Member Trasoff said she did not recall if the Ward 6 Council Office had contributed money to this event or not. If they had not, she wanted to add two hundred and fifty dollars to this request.

Council Member Scott asked if this was a fundraiser and if all money raised would go to the entity and not to the luncheon.

Vice Member West answered affirmatively.

Council Member Scott added a contribution of two hundred and fifty dollars.

Council Member Leal announced he had made a private contribution.

Kathleen S. Detrick, City Clerk, announced in addition to the original five hundred dollars from Vice Mayor West, Council Member Scott contributed two hundred and fifty dollars and Council Member Trasoff contributed two hundred and fifty dollars bringing the total contributions to one thousand dollars. She announced Vice Mayor West made the motion, it was duly seconded by Council Member Trasoff, to pass and adopt Consent Agenda Item D, with the amended total of one thousand dollars.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Item D as amended, was declared passed and adopted by a roll call vote of 7 to 0.

## 7. CONSENT AGENDA – ITEM H

### H. TUCSON CODE: AMENDING (CHAPTER 27) TO ESTABLISH THE TERMS OF MEMBERS OF THE CITIZENS' WATER ADVISORY COMMITTEE NOMINATED BY THE CITY MANAGER

1. Report from City Manager MARCH20-07-141 CITY-WIDE
2. Ordinance No. 10379 relating to the Citizens' Water Advisory Committee; amending the Tucson Code, Chapter 27, Article III, Section 27-62 to establish the terms of members nominated by the city manager; and declaring an emergency.

Vice Mayor West said she felt this item was unnecessary and she planned vote against it.

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Item H, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, and Trasoff;  
and Mayor Walkup

Nay: Council Member Leal and Vice Mayor West

Consent Agenda Item H was declared passed and adopted by a roll call vote of 5 to 2.

Kathleen S. Detrick, City Clerk, requested a separate vote for the purposes of the emergency clause.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Item H was declared passed and adopted by a roll call vote of 7 to 0, with the Emergency Clause.

## 7. CONSENT AGENDA – ITEM J

### J. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR ARTWORKS! ACADEMY

1. Report from City Manager MARCH20-07- 142 WARD 6 AND CITY-WIDE
2. Resolution No. 20606 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to ArtWORKS! Academy for the sponsorship of a benefit on April 13, 2007 at the Tucson Museum of Art to raise funds for general support and program development; and declaring an emergency.

This is a request by Mayor Walkup and Council Member Trasoff. Allocation of funds is as follows:

Mayor Walkup -	\$250.00
Council Member Trasoff -	\$250.00

Vice Mayor West said this item was a request for funds by Mayor Walkup and Council Member Trasoff to approve a community support fund expenditure for the ArtWORKS! Academy. The Academy was an alternative high school that provided academic support to young students from low-income households. She said it was a wonderful program because it helped to develop their talents in the arts.

It was moved by Vice Mayor West, duly seconded, that Consent Agenda Item J, be passed and adopted and the proper action taken, including an additional one hundred dollars from Ward 2.

Council Member Leal said he had some history with the project and it was a very powerful program in the community. So when the letter requesting assistance came in, he raised ten thousand dollars to contribute to the program. He said he was also trying to raise more funds.

Kathleen S. Detrick, City Clerk, announced with Vice Mayor West's added contribution to the original allocation requested by Council Member Trasoff and Mayor Walkup, the total request equaled six hundred dollars.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Item J as amended, was declared passed and adopted by a roll call vote of 7 to 0.

**8. PUBLIC HEARING: GRANT-ALVERNON AREA PLAN AMENDMENT – PA-07-01; ALVERNON WAY/LEE STREET–COMMERCIAL**

Mayor Walkup announced City Manager's communication number 143, dated March 20, 2007, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on an amendment to the *Grant-Alvernon Area Plan*.

Mayor Walkup asked if the applicant was present. The applicant was not present.

Mayor Walkup asked if there were any speaker cards on this item. There were none.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 20609 by number and title only.

Resolution No. 20609 relating to planning and zoning; amending the *Grant-Alvernon Area Plan*; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, to adopt Resolution 20609.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Resolution 20609 was declared passed and adopted by a roll call vote of 7 to 0.

**9. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE LAND USE CODE; ADDING A NEIGHBORHOOD PRESERVATION ZONE OVERLAY**

Mayor Walkup announced City Manager's communication number 150, dated March 20, 2007, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on an amendment to the *Land Use Code*. The public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations. He asked speakers to come forward when he called their name.

Robert Reus explained he had tried to see both sides of this issue. He had spent six months looking for his house. He could have bought a house in a private neighborhood where he had to deal with a neighborhood association. He said he preferred to buy a house in a public neighborhood where he could choose his own colors, and vegetation within the law, and so forth. He understood the concerns of some people, who in inner city neighborhoods, had others come in and put in developments that did not conform to the image of the neighborhood. As a property value issue, he said if someone had moved in across the street from him and tore down the house and put in a two-story house, he would lose the best Catalina Mountain view in the neighborhood. He stated his house would immediately lose thirty thousand dollars in value. He said he supported what was being done, but they needed to make it as less draconian as possible. The interest of the people in the neighborhoods needed protection, but it should not become so restrictive that they were at the mercy of the minority.

Kathleen Skinner, Tucson Metropolitan Chamber of Commerce, said while the Chamber had not formulated an official opinion, their Board of Directors had expressed serious concerns with the proposal as it was currently written. Some of the concerns raised were that a vocal minority was making decisions that might be inconsistent with the consent of the majority, and the implications that this proposal would have on the City of Tucson's master planning strategies. She said it seemed to be a piecemeal approach with many clusters of development instead of a comprehensive land use planning approach. She explained that their businesses wanted to ensure the lines of communication remained open between developers and neighborhoods and that it was not eliminated by this proposal.

Jim Clark said he lived in the center of the Jefferson Park Neighborhood. He was one of the founders of the overlay zone. He was concerned with the way the media portrayed this as the minority controlling everyone's destiny. It was untrue. If people researched the way the overlay zone was proposed, they would find they had a choice in their own destiny in each of their own neighborhoods. He explained that mini-dorms were the problem in the University area neighborhood. He said the mini-dorms in some parts of the area south of Jefferson Park had been ravaged. He said weekend newspaper articles stated people would not be able to use their alleys while developers used alleys as parking lots. They would say you could not have any landscaping, he said he had yet to see landscaping in a mini-dorm. They were told they could not build a garage, and said

there was not a single garage built in the facilities. He saw the mini-dorms as a cash cow for the developers that came in and snapped up a local house. They threw a monstrosity on the back of it, they did not care what went on with the neighbors on either side. He said once the neighbors on either side decided they did not want to live there anymore, they would leave and the developers would buy that house. He said he had pictures of an area on Elm Street and Vine Avenue that showed how this type of development had overrun the neighborhood. He showed the Mayor and Council an image of the front of Lee Street and Highland Avenue. He took the picture at 7:30 a.m., on a Sunday morning just after spring break, so most of the students were not back in Tucson. He stated there were five cars parked at the front corner of the house, and there was no parking for the vehicles. There was no access to the buildings. If there was an emergency or fire, and there was that kind of congestion in the front, it was a hazard. He then showed a picture of the back of the house. He explained that behind one house there were two cars, behind the next house there were three, behind the next house there were three. He showed more pictures saying further down the block there were three more cars and three more after that. He said there were approximately fifteen vehicles parked on a Sunday morning after spring break when all the residents were not even there. He asked how many people were living in a one-block area that was zoned R-1, that was called development housing. He said he called and asked what they were renting them for, they were not apartments, they were houses. He said he had yet to see an R-1 property in the Jefferson Park area that was two-storied, with eight people living in it, and none of them related. He said the idea that the protection zone was going to dictate what would happen with the rest of the community was simply false. He stated each community would have the ability to choose their own destiny and he said he hoped the Mayor and Council supported this.

Jon Wilt said he attended the University of Arizona and graduated a few years ago with a degree in finance and also a degree in real estate with the goal of becoming a real estate investor. He said that was what he did now. For the last ten years he had focused on his own neighborhood beautification plan for Jefferson Park. He said he bought old houses that needed repair, he fixed them up with long term plans of selling them to owner occupied single-family owners at some time in the future. He explained that in the last year, he and a couple of his friends had completed a couple of properties on Hampton Street and had sold them to owner occupied residents. They added onto two homes from the original two-bedroom home to create a four-bedroom home. A one-bedroom guesthouse was also added on for a grandmother. He did not think that either of his investments would have been possible with the proposed plan. He said he thought that most neighbors would agree that he had a high quality product, and he strove to put quality tenants in with the neighbors. He referenced the previous speaker's comments that indicated investors and developers did not do this. He was as considerate as he could be of the neighbors and surroundings, like parking and all the other requirements the zoning had in place. He said he had appropriate parking for the number of bedrooms in his homes. He thought he was the largest property owner in Jefferson Park and as a result of that, the impact of the proposal to him was magnified. He was concerned with the proposal for several reasons. First, the lack of transparency with how this proposal was brought forward. Being the largest landowner in the neighborhood, he attended some of the neighborhood association meetings, and had asked in an email to be a member of the

steering committee for this particular proposal, but he was never asked to be involved. He said he felt he was a good candidate, because he represented a landlord, a property owner, and so forth. He stated he was not chosen to be involved in the committee, nor did he receive any correspondence or follow up email as to the status, evolution, and where they were in the process. He was concerned with any neighborhood association that tried to pass something with only twenty-five percent approval. He said he did not think it represented the neighborhood nor the property owners.

Mr. Wilt said he did not support mini-dorms, he did not support the parking that was shown in some of the pictures, but he thought there were other ways of resolving some of the problems. He said as far as the transparency, he thought the proposal lacked true definition of setbacks and requirements and left it open for subjectivity. He explained he was concerned about what would happen down the road. He thought the proposal would limit what he was trying to accomplish in Jefferson Park as an investor, as well as someone who really cared about Jefferson Park. He said he went to the University of Arizona and this was where his long term goal was realized to be an investor, he was trying to contribute back to the neighborhood, and he felt the handcuffs that were being put on with this proposal would not only limit what he was trying to do, but also his livelihood.

Rick Wicinski said he agreed with the way the Neighborhood Preservation Zone (NPZ) was written with the twenty-five percent of the property owners to initiate the overlay.

Frank Frisina said that as a forty-seven year resident, and disabled from age five, he was a designer of single-family dwellings and multiple home complexes for disabled persons living with family or alone under the name of Welcome Home, Inc. He said he wanted clarity on the proposed changes in the Jefferson Park Neighborhood plan and the neighborhood preservation zone. He asked if both were approved, how likely and how soon, would the Tucson City Code be changed for all subdivisions. He also asked if the City Code ultimately followed the changes as precedent, would the authors of such a plan, have to be representatives of many of Tucson's neighborhoods, not just one. As it was written, designs for the disabled became sabotaged in many ways. Floor area ratio would be a problem for many wheelchair or gurney users who needed more square footage for circulation within the house. Garages and storage buildings should not reduce the allowable proposed square footage of the house. Lot coverage would be an obstacle for the disabled who need more outdoor paving than able-bodied persons who could move easily within gravel, grassy, or soil surfaces. If an occupant of a home considered a non-conforming structure needed vital changes to accommodate an unexpected disability, that could not be denied. If a selected building site was ideally close to transportation, medical, shopping, and entertainment, within the affected neighborhood and twenty-five percent chose not to allow a home specifically for a disabled person, he asked if that twenty-five percent, would have the right to dictate another person's rights or needs. He said by retaining a fifty percent or higher vote, there was bound to be a higher ratio of compassionate voters, thereby permitting a disabled person to live a better life, in a new or remodeled home. He asked if the changes conformed to Americans with Disability



Act laws or if there was some kind of waiver which would give dispensation to disability designs. If not, then this proposal may be open to legal challenge on a city, state, and federal level. He asked if a twenty-five percent vote was minimally required, what happened to the democratic system of majority vote. The proposed reductions from the current two thirds vote to change sounded covert to him. He asked the Mayor and Council to not approve the poorly thought out plan. He said all persons were candidates for a disability. If student discipline was the real problem, he asked why they were not addressing entire neighborhoods' covenants, rules, and tighter student behavior requirements at registration to prevent disturbances rather than costly changes to building and zoning laws.

Bill Dupont asked the Mayor and Council to look at the Neighborhood Preservation Zone and to realize it was a tool for established neighborhoods in the Tucson City limits that did not have homeowner associations. As far as what the previous speaker addressed, they had looked into home design and it had been put before the Mayor and Council but had not been passed. He said he had worked on the red tag ordinance, which dealt with the student issues. They had finally convinced the University of Arizona this past year to start enforcing it. As a neighborhood advocate, he said that many of the neighbors knew him. They had worked together on land issues, water issues, the Davis-Monthan Air Force Base issues. He said he had served on the Arizona State Liquor Board and he knew that there were things that caused the neighborhoods to be extremely upset. He asked the Mayor and Council to approve this as a tool for neighborhoods to protect themselves.

Mr. Dupont said he came from a nice neighborhood, which was unique to the Tucson area and unique to the United States. It had been published internationally and was subject to lot splits. They had worked on an infill project for five years and asked the Mayor and Council to see it as a success story. They needed tools; this was all a beginning. The twenty-five percent was an initiation to open the door to start the process, it did not restrict anything. He stated that they all knew how hard it was to have neighborhoods come together and work on issues. When the City sponsored the Department of Neighborhood Resources public event at Doolen Middle School, there were five people who showed up. There was every division from the City to explain neighborhood issues. With five people showing up at that event, getting twenty-five percent would be difficult.

Albert Moussa said he did not own any property there to develop. He explained he had come to Tucson in 1981 and entered the University of Arizona in 1982. He had finished his masters degree and Ph.D. from the University of Arizona and he watched the University's advancement and progress and said he was personally responsible for the structure and engineering design of at least four major projects at the University of Arizona. These projects include Skyboxes, the University Medical Hospital for Children's Research, Life Sciences Foundation and the Convention department. He said when you have such a great university, and there was not a place for students to reside, this was the place where they would live. It was the natural progress of development of society. Now they wanted to stop it by creating more rules and that was not going to

happen. He lived here, his two daughters attended the University of Arizona. He built them a home one and half miles from the University and also for his sister and his brother. They just purchased a house on Seneca Street and Mountain Avenue. His cousin just purchased a house on Grant Road and Mountain Avenue. They strongly supported a heavy penalty on people who disturbed the peace. They agreed that neighbors should live in peace and he said he saw a way of doing it. He stated the issue was very sensitive because he came from a place where the minority controlled the majority and where he did not know if one day from the next, if he would own what he owned today. He said this could not be passed and he urged the Mayor and Council to send it back for further discussion, meetings, and refinement. He stated that twenty-five was not fair. He was there because it was a personal issue to him. He urged the Mayor and Council not to pass the item.

Patricia Gehlen, resident of Jefferson Park and a homeowner, said that she had lived in Tucson for twenty-five years and in January 2006 she realized her dream of being able to live in the center of the City. She moved to Jefferson Park so she could bike to work downtown, so her significant other could walk to his job at the University of Arizona, and so they could walk their dogs on the U of A campus and not have to get into a car to get there. She said she loved living in the center of town and she did not mind sharing her space with students on either side of her home. There were students who lived in three bedroom homes that were occupied by three students; she had no problem with that. She wanted to point out a few things about the Neighborhood Preservation Zone being discussed. It was important to remember it was not about Jefferson Park and it was not about mini-dorms. It was about a *Land Use Code* amendment that would apply Citywide and it was about any neighborhood having the right to protect something they felt was important about their neighborhood. It was about allowing any neighborhood to tailor the area how they wanted to preserve their peace and habitat. She also wanted to state that the focus of all the discussion had been on twenty-five percent. She said there were three ways to initiate a Neighborhood Preservation Zone, one through twenty-five percent of property owners signing a petition, that was not about adopting the plan, merely initiating a process. The second way would be through the adoption or amendment of a neighborhood area plan. The third way was by the initiation of the Mayor and Council. The Jefferson Park Neighborhood Association had chosen to do this through the second option, which was to adopt a neighborhood area plan. They were also spurred on to do this by members of the Mayor and Council who were no longer present who wanted to see how long it would take to adopt the neighborhood area plan. She encouraged the Mayor and Council to support the proposal because, as a member of the Jefferson Park neighborhood, she would like the opportunity to sit down with her neighbors and come to a consensus about what they would like to see their neighborhood be. It was not about them imposing what they wanted on everyone else. She said she would not agree with everything that was adopted in the plan, but she wanted the opportunity to try to do that with her neighbors. They were not asking the Mayor and Council to adopt the Jefferson Park Neighborhood plan at this time, they were asking for an amendment to the *Land Use Code* that would allow them to proceed with their proposal.

Ruth Beeker, representing the Miramonte Neighborhood Association and a member of the In-fill Coalition, said the current City of Tucson *Land Use Code* did not permit the largest stakeholder group to do any decision making. The vast majority of citizens could only state their opinion. Since the ordinance before the Mayor and Council had generated such spirited reaction, she had another proposal. When anyone wanted to do new construction or remodeling use what was already on the books and augment it a little. Use full notice procedure for the person who wanted to initiate it and notify everyone within three hundred feet and send it out to neighborhood associations within a mile. Have a public meeting and add a twist and say when you had the full notice group, have at least fifty-one percent officially sign that they liked it. She said she could hear the screams already in trying to get fifty-one percent of the property owners responding. She said that nobody came to the meetings. Or if they did come, it was because they were mad at the last person who did the project.

Ms. Beeker said the problem was the neighborhood leaders who would do this would be volunteers. It would be an enormous amount of work for the people in the neighborhoods. They would not receive any profit margin from it, it would be because they loved their neighborhoods and wanted to preserve it. If they were going to make the process so laborious to where they could not do it, she urged them not to put in on the books. Do not pretend they had something they did not have. If they were going to have it, it needed to be manageable. If they were able to do it, they had something that was enormously beneficial to everyone around. This was going to be very difficult to do. She thought they would be neighborhoods who knew the *Land Use Code*, people willing to be proactive, it would be hard to get those going. She did not think the plan they would receive would be trivial. It would be general consensus things like Ms. Gehlen mentioned. It would be people talking together and it would be good and important issues that would come out from one of the zones. She thought it could be a valuable asset to everyone. Participants would have provided themselves protection based on shared values. Potential residents would know before they buy what the area's expectations were and would know it would be a stable area in which to live and potential developers would know what parameters would need to be met before they made any investment in time or money. Any specific zoning plan would provide transparency and clarity for all current and future residents, builders, developers, and City of Tucson staff. She said it sounded like a win-win situation to her.

Tom Mueller said in and of themselves overlay zones were not bad ordinances. However, the NPZ ordinance before them had a cause for concern. First, the process to formulate and enact the document had not been entirely transparent with a balanced number of stakeholders in the City. Second, the document appeared to be a statement against rental property residents and owners and would give the power to a minority of resident homeowners to dictate the lifestyles of others to suit the minority's ideals. Third, in his opinion, the underlying problem was the behavior of the renters primarily students, in and around the University, not the buildings the people rent. No one disputed renters and students, could and did, cause problems from time to time. However, owner-residents also caused problems from time to time. He said there had to be a more equitable means to have harmony in neighborhoods other than granting a minority from each

individual neighborhood across the City the power to rewrite the zoning code to serve each individual's agenda. He explained he did not have answers to this problem, but he said this ordinance was not the solution. He urged the Mayor and Council to select a stakeholders' review committee from a broad spectrum of the Tucson community to review and evaluate the proposed NPZ goals and potentials, the effects on the City, positive or negative, and make recommendations on how the City could proceed.

Laurence Robert Cohen said he had been listening in fascination to the discussions the whole evening. This was the City Council, and he thought it was meant to preserve the nature of the community. He said every city had a choice it had to make between seeing the community as a profit center or seeing the community as a place where people would not just invest money, they would invest their lives. He stated he lived in Jefferson Park, and the prior speakers from Jefferson Park were quite eloquent and spoke about many of the details. He said they had a meeting within the law, in Council Member Uhlich's office. He handed out flyers at various locations inviting people to attend the meeting. There were investors in residences and they spoke. They were not told not to speak and occasionally someone said they needed to hear what the investors had to say. They were trying to preserve their neighborhood, which was the core of community. It was the place where they invested their lives. They had been living there for fifteen years. He said there were many people who were far too mature to come down and be present that late in the evening. He realized beauty was in the eye of the beholder, and when an investor said he was coming to the neighborhood to beautify the neighborhood, he told them that sounded like a wonderful idea and asked if they could see what beautiful would look like. When they sat and did their deliberation, no one in their group had the slightest idea they were defining other people's communities. No one in their group ever thought they were trying to define anyone's right to have handicapped access to their own home. He stated they never discussed that. The Drachman Institute, which as far as he knew was non-partisan, was there to advise them of the implications of what they might be doing. He said many people who lived in their neighborhood attended and it was not about students. Some students stayed home and got drunk by themselves and he did not care. Some students got drunk and dropped cups all over the street and he did not like it, but that was not what it was all about. It was about changing the nature of the neighborhood, so it was no longer livable for families.

Mr. Cohen said when you left up one wall and put in eight bedrooms with one kitchen you did not have a single-family residence anymore. Even though somehow, for some reason, that was not in the code. He said if they came to the neighborhood, they could see the cancer ridden edifices that have extended themselves so obscenely as to make it an almost instant slum wherever there was one, two, or three together. They had become what used to be called single-resident occupancies. He explained that in every city in the United States they had tried to wipe them out because they inevitably bred crime, violence, and an enormous amount of filth. It was not who was living in them, it was the nature of the structure itself. He said the overlay zone was meant to protect, it was not meant to deprive. He did not see the very large ad in the Arizona Daily Star that opposed the overlay zone. Many people might be speaking out of the information they received from the ad. He stated this was remarkable, they were talking about a majority

versus a minority. He said he had a minority of one who could pay for an ad to try to stop this and he had a majority of people who came on every occasion to create this plan and a general beautification plan for their neighborhood not against any other, but in support of everyone's right to choose what the neighborhood's done.

Colette Altaffer said there had been a lot made of the twenty-five percent requirement and there had been many cries of it being undemocratic. It had been trumpeted by those who had never bothered to attend the many democratic public meetings that led up to the creation of the NPZ. If they had trouble with twenty-five percent, try one percent or try less than one percent. She said that number probably represents the number in the population who are made up of the unscrupulous developers who were already controlling what was going up in their neighborhoods and they were doing it without having to collect a single signature on a petition or having to attend a single public hearing. She stated they claimed the title of stakeholder, but she asked who was really a stakeholder here. She said the stakeholders were those who bought in a neighborhood and moved their family in, they joined the neighborhood associations, they organized tree plantings and clean ups, they put together neighborhood watches, and they drove their elderly neighbor to the doctor. On weekends, they could be found working in their yard or repairing their house. They were the glue that held a neighborhood together. And their home represented the single largest investment that any of them would probably make. They did not live outside the city limits, they did not make anonymous phone calls, or send unsigned letters. Their investments in the inner city neighborhoods had been a true act of faith and they had held on with conviction. What they asked of the Mayor and Council was to give them hope that they would not continue to empower the one-percent of the population by voting against the NPZ and that they would finally receive the tools they need to save the wonderful and special neighborhoods they called home. She said show them they believed in the neighborhoods as much as they did and vote for the NPZ.

Ann Mehochko, representing the Tucson Association of Realtors, said they commended the City in reviewing the *Land Use Code* as it related to infill strategy. She said it was something the association agreed needed to be done and was a worthwhile goal. They understood the neighborhoods' desire to preserve the character of the neighborhoods, however they felt the proposal in its current form left many unanswered questions and many concerns that needed to be addressed. First, she said they felt the proposal was too broad and went too far allowing a small minority to impose restrictions on surrounding property that could supercede existing zoning regulations that were in place when current property owners purchased their property. It would place restrictions on property that could further hinder the redevelopment process. She explained that it appeared to be an attempt to turn neighborhoods into homeowner associations. They felt there were several problems needing to be addressed regarding how the City planned to address Proposition 207 concerns that would come up. If a property owner in a surrounding area felt one of the NPZ or restrictions, or requirements, that were part of one of the NPZ somehow devalued their property, she asked how the City was prepared to address the appeals. It was a matter of both time and money and she said they felt the City needed to clarify how it would be handled. Additionally, she said they felt it was an

enforcement nightmare for the City. To attach additional land use areas of zoning regulations that were inconsistent with what was already in the books would require a lot of time and money for City staff. She said they asked the Mayor and Council to delay action on this and allow a stakeholder committee to work with City staff and neighborhood groups, to address the concerns raised, to address priorities of the City, without infringing on the property rights of the residents of Tucson.

Bonnie Poulos said in the Fall of 2006, they were presented with an opportunity to create an overlay zone to try to deal with some of the problems that were occurring in existing neighborhoods primarily in midtown and in older neighborhoods all over the community. She stated that process was what came before the Mayor and Council this evening in the form of the Neighborhood Preservation Zone. The meetings held over the last year and a half were very transparent. She explained they were on the websites for the Planning Commission and people were notified. They had architects and neighborhood association people on the committees, they had staff people working very hard to try to deal with the issue that were very important and find a way to provide neighborhoods with a tool they could use to protect the investment they made, not only in their own homes, but in their neighborhoods and in the community. She said she did not get paid to come to the meetings, she did not get paid to read the *Land Use Code*. She did it because she loved her neighborhood, because she cared about what was happening and she felt the kind of development that she saw in her neighborhood and surrounding neighborhoods was scaring the living daylights of the them. She stated the reason was that they were seeing development occur without any opportunity to define what the character was in their neighborhood, to define what was important to them, to define what they should preserve and care for, and to define what a new vision should look like for their community. She said none of this was taking place. She lived in the Campus Farms Neighborhood, her neighborhood was built out in the 1940s and 1950s and they were built in what was less than R-1 zoning in today's zoning code. At some point in the 1960s or 1970s, they were declared an R-2 zoned neighborhood. She said someone overlaid the zoning code on her neighborhood and now every single parcel in her neighborhood could be redeveloped without a single notification, without a single discussion with the neighborhood, without a single opportunity for anyone to have any say in whether or not the neighborhood would be a place they wanted to live in the future.

Ms. Paulos said she was a graduate of the University of Arizona, she worked at the University of Arizona, and she enjoyed living near her place of work. She said what they were trying to do was create an opportunity for everyone who lived and worked in the university area, in the downtown area, even on the east side of town where people want to have a neighborhood they felt they could live in for the next ten years while they raised their family. They should not have to wake up one morning and hear the bulldozers blading down a piece of property that had been there forever and having it redeveloped into something that was totally out of character and unworkable. She stated the NPZ was a tool. All it did was allow neighborhoods and people who care, such as realtors, City Council members, and staff who lived in neighborhoods to be able to say what they wanted to see happen. She said they had been hearing this was a vague ordinance, but it was not a vague ordinance, it gave them the opportunity to define what their

neighborhoods were. Maybe in some neighborhoods they did not care if they built two-stories, they did not care if there was a lot split, but they did care if there was landscaping or whether someone built a school bus yellow house next to a territorial house that had been there for fifty years. Those were the kinds of things they needed to have a discussion about, and for the first time in years they had this great opportunity to create the overlay zones in communities that defined what they felt was important in their neighborhoods. She said the important thing was to move this forward and give them the tool. It should be reexamined in a couple of years to see how it worked and whether or not there had been problems associated with it. This was not a quick fix, it was not a Band-Aid. This was a call to everyone who cared about their community to sit down and define what was important to them and how they wanted to preserve it. She urged the Council to help them do this and pass the NPZ.

Mary Beth Savel, from Lewis and Roca LLP, said she was present representing Wildcat Luxury Homes, a residential developer in Tucson. She stated that the debate about development and the future of the City of Tucson was an important debate. Part of the debate included neighborhoods and their control of their destiny. Unfortunately, one of the factors that had come into play since the beginning of the debate was Proposition 207. She said one of the concerns that the City might want to consider was the potential impact of the requirements of Proposition 207 on the City as a result of a neighborhood overlay zone of this nature. The authorizing legislation itself did not invoke the problems of Proposition 207. It authorized communities to evaluate how to impose a neighborhood preservation zone on their neighborhood. The problem would be when zoning ordinances are imposed. An overlay zone was a change in zoning imposed on existing zoning in existing neighborhoods. This was when Proposition 207 came into play. If they took a look at the actual term of the proposition, its goal was to regulate land use laws. Those could be many different things: land use laws that change existing rights to use, divide, sell, or possess real property and thereby reducing their value. It meant that if a new land use regulation, such as a zoning code, changed the existing land use regulations on a piece of property such that it impacted the value of the property that particular property owner had a claim against the City for the difference in the fair market value. She said Proposition 207 had not been tested and there were a lot of unknowns about it. What it did was create an automatic claim against the City of Tucson for the diminution of the fair market value as a result of a change in zoning. She added what also went along with that were attorney's fees. Those fees could be gained by a property owner who brought a claim against the City, but could not be sought by the City against a property owner who brought a claim. She said one of the things they should look at when going forward with a neighborhood preservation zone was how they could control and how they could manage potential Proposition 207 liability. One of the ways that could be managed under the Arizona Revised Statutes was by getting waivers and the City had already prepared those. A waiver that was when someone came in for a rezoning they would sign a waiver saying they would not file Proposition 207 claim for diminution of value because it. She asked how it would affect this particular ordinance. People would not be able to get a waiver from every single property owner in the neighborhood, but maybe they could. When a neighborhood preservation ordinance was initiated by less than a really strong majority of folks in a neighborhood, a problem could be created. A

large majority of people who may be suffering a diminution of value under Proposition 207, who have not been asked their permission or signed a waiver of their Proposition 207 rights, might come forward to make a claim. She did not think there had been any Proposition 207 claims filed in the City of Tucson. She suggested it was time to take a look at this, it was something that changed in State law since the initiation of this process. It was something very important because its impact was substantial on the City in terms of potential liability and they should do what they could to try to control that as they continued with this process.

Ruth Jacobson said she thought one of the reasons they were at this point was because they had development in the area specifically in Jefferson Park. She was in the neighborhood north of that and she felt some of the developers had not been following the intent of the zoning. She explained that she was a little cynical when a property owner came in and purchased an R-1 zoned house, they knew it was R-1, and they built eight bedrooms, they rented to four, eight, six, she did not know how many, unrelated people and they said they were in the law. It was not the intent of the law. The neighborhoods were not denying people their property rights. They were trying to protect their property rights. They were trying to protect their neighborhoods and zoning in the neighborhoods they moved into. She said she moved into a house that was zoned R-1. The neighborhood was zoned R-1, if it was R-2, they had never objected. People built guesthouses, they rented out guesthouses. The issue was not building a garage, it was not who you rented to, it was changing from what was substantially an R-1 to an apartment building. An apartment building where instead of renting out eight apartments, you rent out eight bedrooms. They used to be called boarding houses. She did not think that was the intent of R-1 when it was established in those neighborhoods and she still did not think it was the intent. If it was the NPZ that got them there, if it was somehow they were not enforcing the zoning as strictly as they could based on what the intent of the zoning maybe that was how they should go about it. She said something needed to be done to maintain the property rights of people who had been in the neighborhoods for years. She explained that if they did not do the NPZ then, they needed to make sure the issue was addressed.

Richard Studwell said the concept of the neighborhood preservation plan was a wonderful and useful tool for the community and he was in favor of that. However, the ordinance presented was falsely titled and ill conceived. He said it would have many unforeseen consequences. Many cities, such as Glendale, Arizona, had neighborhood preservation ordinances. None had in their purpose statement the supposition that new construction was the culprit in the city's decline. This ordinance did that in the first paragraph of the document. Every other city and every published urban planner in the country sees new construction as the most essential catalyst in protecting a neighborhood from decline. A person simply wanted their home to function differently than they did fifty years ago and change was essential. This draft was created by a small group for a small part of the community and left out almost all avenues of neighborhood preservation and improvement. There was not a single incentive in this draft to encourage neighborhood preservation. He said he was sorry these things did not fit into their agenda because they were beneficial tools for a community. He had served as a president of the



Goret Neighborhood Association. During that time the Milagro co-housing project was rezoned and developed by future residents of that project. Under this ordinance, that project would not have happened. He said he did not know the definition of a “mini-dorm,” but people living on one-acre lots around a co-housing project probably seemed just as bothersome. He explained he had worked for the City’s development department and he had built many homes and rental properties including affordable for sale housing.

Mr. Studwell explained that this was a bad draft of a law and there were five primary reasons. One, allowing twenty-five percent of a neighborhood to make decisions for the other seventy-five percent is by standard unfair. He said it took sixty-five percent by City ordinance to initiate a historic district and several had been successfully created. He asked why were they lowering the standard now. This was not the only egregious item in the draft. Grandfathered uses of land were threatened and there was nothing to guarantee that one neighbor would be designated fewer rights than the person next door. Those provisions were actually included. Proposition 207 occurred because two-thirds of the people in Arizona thought there were too many people trying to take away their property rights. He explained that they heard several impassioned pleas about how people not only have the right to decide what to do with their own property, but they think they deserve the right to tell others what to do with theirs. There were existing codes and laws they should be working through. This draft would lead to needless lawsuits against the City almost immediately upon filing of the first neighborhood plan. Although judicial appeals and process would delay award of judgements the City’s bond rating would be impacted immediately. So more of the City’s budget would be spent on interest. Thirdly, this process would cost a lot to administer. Staff would tell them that fees would cover costs but currently, three of four people who required building permits for remodeling did not obtain the permits. This law would only increase that percentage, but complaints would lead to more staff and more complaints. He said if they doubted him on those statistics they should ask the Development Service Department staff. Fourth, this process could lead to discrimination, by excluding four and five bedroom homes, families would be discouraged. His research in statistics found that one-third of used homes were four or five or more bedroom homes in size. A higher percentage of new homes were four or more bedrooms in size. He said they were talking of a neighborhood wanting to exclude students by excluding four bedroom homes. Excluding rentals and requiring excessive landscaping and other requirements would likewise exclude low-income and elderly and two-income families.

Mr. Studwell said under section 2.8.11.9A, this ordinance provided that specific development criteria should be established which may supercede or supplement those established in the underlying zones. A neighborhood could exclude the fire station, it was too noisy, put it down the road, or a library like the one on Columbus and Fairmount. It was too high a profile, it generated too much traffic, move it to a neighborhood that did not have a plan. The Rio Nuevo project would face even newer problems if neighborhoods around there were to enact these neighborhood preservation zones, it would create restrictions. This process could be corrupted, the neighborhood committee could limit membership of its steering committee to limit it to a single mindset. The process would not be transparent. And they might not represent the feelings of the whole

neighborhood or its cross section. The Jefferson Park neighborhood was racing through a plan to adopt behind this ordinance. He was told for the bulk of this process their committee consisted of eight members, with seven non-minority people, and seven of the eight members were homeowners. Fifty percent of the neighborhood was owner occupied but there was no outreach for the renters to join, in fact property owners, business owners, and renters were not kept apprised of the meetings. He asked the Mayor and Council to reach out to all stakeholders and revise the law. Planning a community took more than the involvement of a few activist voices and secretive processes. In our more complex world, they needed the expertise of planning professionals and people who develop, sell and build structures to explain, based on their experience, the impact these ideas had on real projects. He asked them to make this a real process to serve Tucson's neighborhoods.

Mayor Walkup announced the public hearing had lasted over one hour.

Council Member Uhlich said they might want to provide for some ongoing input. She asked if they could have other action and some further discussion before the hearing was closed. She asked if that was allowed under the rules. She said she was not sure they wanted to close the public hearing.

Council Member Scott said she thought they should leave the public hearing open and continue the public hearing.

Mayor Walkup announced they would leave the public hearing open.

Council Member Uhlich said she thought the Mayor and Council was listening very hard for kernels of sincere, substantive feedback on what was before them. She said she heard all of her colleagues express their recognition of the pain associated with rogue and wildcat density that was occurring in Jefferson Park and other neighborhoods. She said the fact that neighborhoods were being shaped and reshaped without appropriate public process and that had happened through the exploitation of loopholes in the *Land Use Code*, they were seeking solutions and earnest and sincere discussion about what they believed would be a good tool to get them to that place. She stated that there were a couple of points she wanted to make because her Ward office and others had been integrally involved in the surfacing and the placement of the item with staff. First, was her staff was very active in monitoring the development in their neighborhoods. She explained that her staff alerted the Development Services Department when they believed they saw development that might not be in compliance with existing law, and they expected and were pleased when the department took appropriate action.

Council Member Uhlich said it was her understanding, she had some information that the person who paid for the advertisements that ran in the newspaper had the same name and address as a person who has admitted in City Court that he violated development code requirement laws on the books. He was also facing criminal charges for failing to comply with the Court's order to come into compliance. She said she made that disclosure for a couple of reasons. One, she was angry and she really tried to listen

and act from a different place than that and she was working on that right now. The second reason was that the information conveyed may not have been conveyed in those ads in a balanced manner and it had fueled, she believed, some misperceptions about this zone process. She stated it was their job to work through that together. She said that she wanted to make it clear that the twenty-five percent was not about voting to impose an overlay zone. The twenty-five percent was to initiate a process, which still would include their rezoning process. The Council would be the ones who would vote to impose zoning or rezoning along with the typical process through the Zoning Examiner. She mentioned this because some of the people involved in opposing them apparently did not like the laws they had on the books and apparently did not want to listen to twenty-five percent of their neighbors or the Council when it came to some of the issues. She explained there were some concerns raised and they needed to take time for the City Attorney's Office, the Planning Department, the City Manager's Office, and the Mayor and Council to sort through and make sure that this tool was what it needed to be.

It was moved by Council Member Uhlich, duly seconded, for staff to work with them until April 17, 2007, to bring the matter back to Study Session for final conversation on this tool as the manner and mechanism for achieving the intended purposes. She also requested it be placed on the Regular Session for action by the Mayor and Council on April 24, 2007.

Council Member Leal said he was very grateful for the work and the motion Council Member Uhlich made. There was a serious problem that existed and it would be irresponsible for them to step away from dealing with the reality of the problems simply because there was push back, confusion, and fear. He stated the direction for the Mayor and Council, with the community was to try to find something that would work to protect the integrity of neighborhoods, people's property rights, their homes, and their futures. It should also be something that facilitated responsible and well-integrated infill. That was without a doubt, the intention here. He said he believed there had been issues raised on both sides that were equally real, although some may be not. Everyone that attended tonight should come into the process over the next month and have those issues vetted with staff and with other stakeholders so they could be addressed. He said they could not step away from this, it was too important.

Council Member Trasoff said she was ready to move forward, but she truly respected her colleague and her willingness, despite what was overwhelming evidence that they were moving in the right direction, to step back and make sure they absorbed what they had heard tonight and they work with staff and come back. She said the advertisement angered her. What truly angered her was that so many people who attended tonight were misled and upset about the item because of what they saw in the advertisement. She explained she had heard from one gentleman who was doing exactly what they said they wanted him to do, coming into the neighborhoods and buying homes and rehabilitating and upgrading them, they were expanding them so larger families could live in those homes. He was looking for owner-occupied. Although she did not know him, she said she loved what he had to say and she got angry at this ad because there was nothing about what they were proposing that would in any way restrict him

unless he came in with a humongous thing that was inappropriate for the neighborhood. She said from what she sensed from his speech, he was exactly what they wanted in neighborhood infill. She invited him to come to the Ward 6 Council Office.

Council Member Trasoff said she did a count and Mayor Walkup was very good in trying to get balance in the limited time they had. She explained that on the surface they heard there were nine people supporting the action and eight people opposing it. But of those eight, five were people who spoke eloquently about this item based on inaccuracies in the advertisement. She said the gentleman with the ADA concerns, first of all they could not legally override the Federal ADA regulations. Secondly, the Mayor and Council would never want to do that and it would not be possible under what they were proposing. She said the person who mentioned this item being minority groups dictating what was happening. She stated that all the twenty-five percent would do was start the process. As Council Member Uhlich mentioned, then it would have to go through the regular Zoning Examiner hearings with all the public access, and all the notifications of all the homeowners. She said to the gentleman who came from the culture where the minority ruled in a negative way, that was the last thing they were trying to do. It was the last thing that would or could happen under this plan because it was designed to just start the process. It was process that already existed that was fully transparent.

Council Member Trasoff said even the three who truly opposed it were paid people representing aspects of the development community. She said she respected each of those good people. She stated that one of the three even said she was okay with the process but was just concerned with the waivers and issues relating to Proposition 207. She said she agreed with her and had the same concerns. She also had concerns about homeowners already in the area whose land value was destroyed because they allowed the humongous and inappropriate land building to take place. She explained they were talking about the special interests and talking about stakeholders. She said as one of her respected friends mentioned tonight, stakeholders were the ones who bought the homes in the neighborhoods. Developers who had only a financial stake were special interest groups. She explained they needed to hear from both of those, she thought they were very important, but they had to keep that in mind. She said it was not passed by twenty-five percent, and one of the speakers spoke about the three different ways to initiate the process. Even if they removed the provision, the NPZ would still allow people to get into the process and stop the things that were destroying their neighborhoods. She passionately believed in this and was frustrated that good people had been so opposed to it. She read from the advertisement and said the only person who would benefit from it was the same person who was developing the mini-dorms. She said he was the one worried about his property value and his ability to just go in and make lots of money while the rest of the neighborhood residents were impacted.

Council Member Scott asked if there was enough direction at that point. According to the motion before them, there was only staff direction to work on this and bring it back in a more refined way. She asked the Director of Urban Planning and Design, if he felt the public hearing gave him enough direction, along with the motion, to

redo some of the things they had put together. She asked if there was room for other people to go to him with their concerns they may not have been mentioned today to make it more of a public process.

Albert Elias, Director of Urban Planning and Design, responded they had had a substantial public process. There had been a number of Study Sessions before the Planning Commission, a number of public hearings in front of the Planning Commission, a number of conversations with a wide range of individuals, a number of written, email, and verbal comments were received during this process, and finally the very rich contributions made during the current public hearing. He said he thought there had been substantial comment and they also understood where there might be areas where adjustments might be appropriate. He said he felt with the direction of the Mayor and Council, they would be prepared to return to Study Session on April 17, 2007, and return on April 24, 2007, with a public hearing.

Council Member Scott said she just wanted that to be clear. She asked for clarification if there was a limit to the zone boundaries that might be drawn. For example, could four people in a cul-de-sac declare a zone as being a legitimate zone or did it require more than that.

Mr. Elias responded the ordinance did not define specifically the boundaries of a neighborhood preservation zone. That would need to be part of the application that occurred.

Council Member Scott asked if technically, it could be as few as four people living in a cul-de-sac and as big as a boundary as anyone could imagine at this point.

Mr. Elias responded that was correct. He said he thought the defining process would be the rezoning process that would allow property owners who were within the boundary and adjacent to the boundary to give feedback whether or not they felt the boundary of the area was too small or too large, or whether the characteristics that were defined in the neighborhood preservation plan were too limiting or that sort of thing. He explained they had tried not to define it. They had tried not to make it a one size fits all approach. They were taking a more surgical approach whereby the individual application would need to stand on its own merits.

Council Member Scott said then there would be relief for people in surrounding areas of a proposed zone configured in a very small way.

Mr. Elias responded affirmatively.

Council Member Scott said in the last sentence of Section 2.8.11.1, "Intent is to ensure that new or remodels structures shall be designed and constructed to harmonize with structures located within the immediate vicinity." She asked if there were thousands of acres that were not developed and the only houses that were in the area were miles away, but they were there and would be the model, if this section would apply there. She

said she was just trying to go from the minutia to the largest expanse and see how it would have an impact.

Mr. Elias responded the provision was intended to ensure that individual neighborhood preservation zone applications defined some objective characteristics by which the regulations would come from. He said that would require you make reference to existing development.

Council Member Scott said the whole purpose of the zone would be initiated by persons in the area it would not be in play as new development, per se, started on several thousand acres. She asked if that was correct.

Mr. Elias indicated it was correct.

Council Member Scott said she wanted to make it clear because she had great sympathy for those whom already had beautiful homes where they were and she had seen and experienced that which they found so onerous. She said she was very sympathetic to that and wished to put the right tools in place so there was something in the toolbox to be able to keep the quality of life and homes that existed in the neighborhood. She respected that and wanted to make sure the tools were available and ensure the language in place was clearly definitive so there were no unintended consequences that might affect some other areas that had yet to be developed but might see this as restrictive. She really wanted to make sure those houses were preserved and those lifestyles were preserved, but they wanted to make sure there were no unintended consequences for larger areas that were not yet developed.

Vice Mayor West said she strongly favored this ordinance. She knew that there were some things that needed to be reviewed. She said one of the speakers mentioned this started during the time of the previous Council when she was the Chair of the Growth Subcommittee. She spent some time at the Ward 3 Council Office with some of the people in attendance and they told her stories of the mini-dorms in the neighborhoods and how it was changing the character of the neighborhoods. She explained she was now Chair of another subcommittee researching affordable housing. She said by the year 2010, there would be fifty thousand homes that were fifty years of age or older. She said they needed investment in those neighborhoods and that was where the speaker who talked about refurbishing homes and selling them to homeowners came into play. She said it was good and something they valued. At the same time, they had experienced some difficulties and the former Council had been frustrated because they could not seem to get their arms around the issue to try to assist those who lived in the wonderful neighborhoods that had some really interestingly designed structures. They wanted to keep and preserve that design. They wanted to preserve the landscaping, the historical significance of the neighborhoods, and they wanted to be able to provide good places for families to live. She said that in some cases they valued right of others to come in and buy a home and live in it even if they were students. At the same time, they were not talking about tearing down a house and building a large monstrosity next to them.

Vice Mayor West said she was as upset about that as she was about the advertisement previously mentioned by Council Member Uhlich and Council Member Trasoff. She did not see how that could preserve a neighborhood. She said they were about stability in neighborhoods. That was what the audience wanted as did the Mayor and Council. She said there seemed to be concerns. They had not begun this yesterday, this had been an ongoing process for about three years. She explained some of them had been patient through it all. She said even though there had been an extensive review process, there ought to be some meetings for further review of this item with some of the people who apparently have not been a part of the process. She said there should perhaps be some builders, members of the board of realtors, chamber of commerce, some neighborhood representatives, students, architects, landlords if they were interested, and so forth. She encouraged Mr. Elias to continue to work with the stakeholders in a review committee that could take another look at this. She said the ad did a disservice to what was intended. They wanted to stabilize these areas. Regardless of which wards the neighborhoods were in. She stated that some of Ward 2's neighborhoods were excited about this because they thought they could keep renters out and things like that. She said that was what the ad did. It just turned this upside down. She said they knew other communities had done this. She asked Mr. Elias to tell them of some of the other communities. She said she knew he had spent some time researching this and asked what communities were reviewed in putting this together.

Mr. Elias said the amendments were based on preservation planning concept known as a neighborhood concept preservation district and it had been around for many years. He said they could not take credit for being terribly creative. A number of communities had adopted neighborhood preservation overlays very similar to what was proposed. The City of Phoenix, Chapel Hill, North Carolina, San Antonio, Texas, Huntington Beach, California, Greensboro, North Carolina, were just a few examples of those communities. He said the draft ordinance was modeled in part on what was adopted in other communities.

Vice Mayor West said she felt they got started on shaky footing, but thought they had been moving along pretty well. If there were other people who needed to be drawn into the process to take a look at it and give them some suggestions, she said it was fine. She agreed with Council Member Scott that it was possible that there could be some unintended consequences, they could not know that for sure. She said maybe six months from now it needed to be reviewed for a progress update and maybe a year or two years, so if there were unintended consequences they could work with it. She said there were waivers that could be used with this. Neighborhoods not in an overlay zone were concerned they could not add a room onto their houses. She asked Mr. Elias if that could happen if they were not in the overlay zone.

Mr. Elias said the regulations would only apply in the area where the Mayor and Council approved a neighborhood preservation zone.

Vice Mayor West said she thought compatibility and communication were the two "C"s important in this. She commended the staff for the good work they had done

and she thanked everyone who attended and shared their insights with them. She said that was what the process was really all about.

Kathleen S. Detrick, City Clerk, summarized the motion made by Council Member Uhlich, duly seconded, was to direct staff to return at the April 17, 2007, Study Session regarding this matter and the public hearing and ordinance adoption would be continued to the Mayor and Council meeting of April 24, 2007, held in City Hall, 255 W. Alameda, Tucson, Arizona, at or after 5:30 p.m.

Mayor Walkup asked if there were any further comments. Hearing none, he asked for a voice vote.

The motion was declared passed and adopted by a voice vote of 7 to 0.

RECESS: 8:24 P.M.

RECONVENE: 8:39 P.M.

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Vice Mayor, Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:	None
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

Mayor Walkup announced it had been requested that Items 13 and 12 would be taken out of order.

**13. CABLE COMMUNICATIONS: COX COMMUNICATIONS CABLE LICENSE RENEWAL**

(Note: This item was taken out of order.)



Mayor Walkup announced City Manager's communication number 152, dated March 20, 2007, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20615 by number and title only.

Resolution No. 20615 relating to cable communications; issuing a preliminary assessment denying the formal proposal for cable renewal license of Cox Communications; adopting formal procedures for hearing on the denial; appointing a hearing officer; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 20615.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Resolution 20615 was declared passed and adopted by a roll call vote of 7 to 0.

**12. BUILDING AND DEVELOPMENT: NOTICE OF INTENT TO ADOPT DEVELOPMENT IMPACT FEES FOR POLICE, FIRE, AND PUBLIC FACILITIES AND SCHEDULING A PUBLIC HEARING FOR MAY 22, 2007**

(Note: This item was taken out of order.)

Mayor Walkup announced City Manager's communication number 151, dated March 20, 2007, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20611 by number and title only.

Resolution No. 20611 relating to building and development; acceptance of the Impact Fee Study for the City of Tucson Police, Fire, and Public Facilities; notice of intent to adopt development impact fees for Police, Fire, and Public Facilities; scheduling a public hearing; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution 20611.

Mayor Walkup asked if there was any discussion.

Council Member Scott asked that they consider using future impact fees that were dedicated to Police, Fire, and Public Facilities. She said she knew these were going to be applied City-wide, but asked that they look in the area from which they were generated as the primary place for investment with these funds before they went City-wide to make sure the new places had coverage. She asked that that be part of this.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Resolution 20611 was declared passed and adopted by a roll call vote of 7 to 0.

#### **10. PUBLIC HEARING: INCREASE IN THE WATER SYSTEM EQUITY FEE**

Mayor Walkup announced City Manager's communication number 145, dated March 20, 2007, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed increase to the Water System Equity Fee. The public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations.

Kathleen S. Detrick, City Clerk, announced that there were no speaker cards for this item.

Mayor Walkup asked for a motion to close the public hearing.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Kathleen S. Detrick, City Clerk, announced the Mayor and Council would be asked to adopt the proposed fee at the April 4, 2007, Mayor and Council meeting.

#### **11. PUBLIC HEARING: ESTABLISHING A CAP WATER RESOURCE FEE**

Mayor Walkup announced City Manager's communication number 128, dated March 20, 2007, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed increase to the Water System Equity Fee. The public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations.

Lori Lustig, representing Southern Arizona Home Builders Association, said she distributed a letter to the Mayor and Council via the City Clerk at the beginning of the meeting. She wanted to make short reference to a couple of items in the letter. She said she had been in front of them several times to discuss the issue of the interest component of the calculation of the fee. She wanted to remind everyone that they were here because there was a State enabling statute, 9-463.05, that granted the authority for imposing fees on new construction limited strictly and directly to new construction, be it homes or commercial. She stated the statute allowed the City Council to impose fees on development within its jurisdiction. She said that the statute allowed the Council to pass on expenses for necessary public services devoted to new growth, new development, but there must be a certain nexus, a relevance between the fee and the capital development that would be developed a charge of that fee there were also certain reporting requirements. She explained that one of the aspects was the fee must include the specific charges that were related to the infrastructure that was going to be built. She said in the eleven thousand-acre feet they were talking about, the original past payments for that CAP allocation did not include interest to the extent that there was no interest. They did not believe it was appropriate for the City Council to pass on a charge to new homes for a cost that was never incurred by the City. To the extent that the eight thousand-acre feet carried financing charges, they had no objection to that. One of the other objections they had to the CAP water resource fee, and they had made these objections known early on, was the proportion that of this fee that was charged to new development versus existing residences. This CAP allocation would not be segregated. It would not be delivered to a certain part of town. They would not know if went directly to new development, whether residential or commercial. So unlike a pipe that goes to a certain part of town that delivers water, or a road that carries people to and from the new development they did not know where this water was going. They did not believe that had received a fair hearing or due consideration throughout the last sixty days.

Ms. Lustig said the final item of concern raised today was unlike the parks and roadway fees ordinance that took several months to tweak and then was adopted successfully a month or so ago. They had yet to see an ordinance that would show them what the implementing language would be surrounding this fee. She explained this fee was more than just a dollar, the fee was about credits, it was about offsets, and it was about definitions. There had never been a discussion about benefit area simply because the water would not be segregated, but that did not mean that other aspects that were important to an impact fee ordinance should not be discussed. She asked they adopt the fee without the interest calculation, which computed to forty-two dollars, and would put the fee at two hundred and two dollars. She said they would like further discussion about the proportion of the population that this fee was passed on to. She said they believed it was important for the public hearing to be continued until such time that there was seen a draft ordinance. Her understanding was that unlike police, fire, and public facilities, that they just adopted the notice of intent for, this would not become part of that impact fee ordinance. So all of the language they had worked very hard to make sure they all agreed on would not govern the water impact fee. Apparently water had a separate ordinance. She said to that extent, she wanted to see what that language was. She said unfortunately, if they closed the public hearing, she would not have an opportunity to comment, except

at call to the audience, which she said was a little awkward and unwieldy at times. She hoped she raised some concerns for their discussion after the public hearing.

Kathleen Skinner, representing the Tucson Metropolitan Chamber of Commerce, said the way the Chamber and its members approached this fee was much in the same way they approached any development impact fee they came across in the municipality. She explained that their members have become concerned with economic development impact fees and their impact on economic development in the community, as well as housing affordability. She said they had evaluated impact fee proposals. They had been included in stakeholder discussions for the roadway and park impact fees stakeholder process and they would be included in the next impact fee proposal stakeholder process. She explained that in their staff evaluation of this particular fee, they had become concerned with the questionable interest component and from the beginning, they were not quite sure what that interest component involved; if interest had accrued, if it would accrue, if it would be a payment to be paid by the municipal provider. She said Tucson Water staff had been incredible. They had been very helpful in helping them identify and clarify exactly what the interest component was and separating it from other interest components and for that they were thankful. She wanted to express their concern about the interest component, which they believed should be removed, but also the stakeholder process that did not occur for this fee that they hoped would occur when fee language was released to the public. She said she wanted to thank Council Member Scott and Council Member Leal for their comments made at a recent Study Session. Council Member Scott had discussed the impact of impact fees on economic development and they appreciated that perspective. Council Member Leal had mentioned maintaining trust with the community and with stakeholders and they appreciated that. She said they hoped that a proportional share between growth and the general population was always considered when impact fees were under discussion. Also, they hoped that housing affordability was always part of that discussion and the impact that impact fees had on the community. She thanked the Mayor and Council for their consideration of the interest component of the impact fee as well as taking the time to evaluate the proposal on a deeper level to make sure everything was correct and legal. She said they hoped the Mayor and Council agreed that there were questions with the interest component and that it would be removed as they proceeded.

Anne Mehochko, representing the Tucson Association of Realtors, said the Mayor and Council had already received a letter from their association outlining their position on this item. She wanted to echo the sentiments of the Tucson Metropolitan Chamber of Commerce and the Southern Arizona Home Builders Association. She explained that they had concerns about equity and how the fee was being charged. She said in light of the recent discussions about increasing impact fees, police and fire, and the additional fees that were being tacked on to new construction. She stated they felt it was very important to take a close look at how the City plans to impose this fee and look at sharing the costs for all ratepayers rather than just hitting new construction with this cost. They felt that housing affordability needed to be kept in mind when tacking on additional fees to new construction, the result being the more expensive they were made, new and existing homes would be impacted. They asked that more time be given to the issue so

there could be more dialog in reviewing specific questions that have been raised that have not been answered, the interest component, and the equity in how the fee was being charged.

Michael Toney said the situation with the unparalleled growth in Arizona and the desire to have the income from property taxes and construction taxes and the various taxes on the people who would be living in these houses made this a shark-like market. He said he thought Sinclair Bridges was kind of interesting in conjunction with this. There was a three hundred and fifty-acre aquifer there with the hundred thousand creosote bushes that were very green. With the roots going down like it said in the General Plan helped to recharge the aquifer. He said there was a fifteen-foot per year velocity, the growth was devastating to the aquifer. Lake Mead and Lake Powell were going down, and no one really knew what would happen with water in the future. They were dealing with the situation, which was inherently chaotic, until there was a rational plan for the future, which had not occurred yet. It had not occurred with Governor Napolitano's office or anywhere he knew of. It seemed they were stuck between a rock and a hard place. If they did not want gentrification, how would they pay all these impact fees. He encouraged impact fees because it was a dampening effect on development. Developers were coming here because they could make that money, they could turn a house for forty thousand dollars. Affordability absolutely entered into this. He said the way he saw the interest component, as long as it was not double dipping, that was the way the cookie crumbled. They had to do these kind of things until the majority of people sat down and decided they were going to create rational structured way out of the chaos.

Mayor Walkup said that was the last card and there had been some discussion of leaving the public hearing open.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

It was moved by Council Member Scott, duly seconded, to direct staff to return on April 4, 2007, with an ordinance for a CAP Water Resource fee for two hundred and two dollars for a standard residential meter and for the forty two dollar interest component portion of the CAP Water Resource fee to be considered separately.

Mayor Walkup asked if there was any further discussion.

Council Member Scott said the reason she thought it was important was she thought good government involved putting your ducks in a row as they got to this stage and were about to pass an ordinance. She said as a result, when there were outstanding issues and questions that were still lingering it made sense to pass that which they knew was solid, but the items that still had questions in the community should be reviewed before they were included.

Vice Mayor West said one of the things she wanted to know was where they would get the approximately two hundred and fifty or three hundred thousand dollars that was excluded.

David Modeer, Tucson Water Department Director, responded it was approximately two hundred and ninety-three thousand dollars.

Vice Mayor West asked if it would come from the rest of the ratepayers.

Mr. Modeer said they would have to figure out where it would come from. It would certainly come from within some budget alterations or through other financing mechanisms in the utility. It had to come from one of the two.

Vice Mayor West said she found this very troubling because she believed that this amount of water was figured out. It was above what they had been using, and asked if one hundred and twenty thousand acre feet a year was correct.

Mr. Modeer said what was used today was about one hundred and twenty-seven thousand acre-feet.

Vice Mayor West said they had this additional water which would help with new growth. She said what they were doing was asking all the rest of the ratepayers to pay for this. She said she could not do that on principle. The other question she had was if a developer had a CAP allocation, would that company be exempt from this fee. She asked if there were some developers who had CAP allocations.

Mr. Modeer said he was not aware of individual developers that had CAP allocations.

Vice Mayor West said she was thinking of a company.

Council Member Leal said Vice Mayor West was correct.

Mr. Modeer said that there were individual water companies that had CAP allocations, but individual developments under current regulations would access CAP water themselves through the Central Arizona Water Replenishment District. They did not actually own allocations to the water. Individuals were not allowed to be allocated CAP water.

Vice Mayor West said she was thinking that sometimes a developer would be a part of a water company. She thanked Mr. Modeer for clarifying that because she thought that was something important.

Council Member Uhlich said she supported this motion and she thanked Council Member Scott for calling for the forty-two-dollar interest component to be considered separately.

Council Member Leal said he thought that often governments did not spend time on details and many times the nuts and bolts really mattered. He said he thought one of the benefits of this body was that they got the big picture and also tried to pay attention to the nuts and bolts. He said it was tedious and hard, but the community deserved it. He stated this was evidenced by the Neighborhood Preservation Zone (NPZ) amendment they discussed earlier. It had been a long time since there was a division on the Council on whether impact fees were good or bad. He said it happened to be the case that everyone sitting on the Council believed that impact fees were legitimate and important. He said what their conversations would involve were practices and methodology and how relationships worked for the future and whether it was justified or not. Not whether impact fees were good or bad. He said he thought what they would struggle over was to get at the logic and methodology because they were trying to do the right thing. He said he thought the community needed to give them the latitude to think out loud together and try to judge. He said they needed to do that for each other.

Council Member Ibarra asked for clarification. They closed the public hearing but what Council Member Scott asked was for staff to bring two options to the April 4, 2007, Mayor and Council meeting one being the for two hundred and two dollars or two hundred and forty-four.

Council Member Scott said her motion was for the two hundred and two dollars for the CAP Water Resources Fee to be allocated, that was her motion with the option that the forty two dollar interest component be considered separately on a separate vote. She said it was a very pure impact fee component, the CAP Water Resource Fee and then allowing the Council the opportunity for another motion on the interest.

Mayor Walkup said he was glad they were moving forward on this. He said they had the motion and would bring it back.

Council Member Ibarra said he had historically voted against all water resource fees. He said he wanted to make sure that what they were doing today was establishing what the vote would be for on April 4, 2007. He said he wanted to make sure they knew that.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

The motion made by Council Member Scott to direct staff to return on April 4, 2007, with an ordinance for a CAP Water Resource fee for two hundred and two dollars for a standard residential meter and for the forty two dollar interest component portion of the CAP Water Resource fee to be considered separately was declared passed by a voice vote of 7 to 0.

Council Member Uhlich said she would like to offer a subsequent motion to address the separate item which is the forty two dollar interest component. She agreed with her colleague that this had been a difficult discussion. They were all trying to weigh what was fair, what was legal, what was balanced in this arena. She said she would like to support the recommendation of the Citizens' Water Advisory Committee (CWAC) and its Finance Subcommittee and the work of staff because she believed the resources and revenues generated from the forty-two dollar interest component were critical to the water utility. She explained that they were already lagging behind in the infrastructure for the water company and did not include in the capital improvement program all of the needs they had to maintain a healthy utility. She said she thought it was unwise, although she certainly respected disagreement around the table, to forgo revenue that had been extensively reviewed by CWAC and staff.

It was moved by Council Member Uhlich, duly seconded, that staff be directed to include in the ordinance, the forty-two dollar interest component of the CAP Water Resource Fee with a sunset clause. The sunset clause would eliminate this fee when the Mayor and Council adopt a forward looking infrastructure and water resource fee which had been discussed and when that fee did include the forty-two dollar interest component.

Council Member Trasoff said this was something they had discussed at great length in the Environment, Planning Subcommittee and had received a lot of input from many of the people who spoke today and she respected their perspectives. She said they had listened to the concerns about forward-looking kinds of impact fees. She really listened to what staff said, and she agreed with staff's position from all the research and studies that the impact fee and interest component made sense and were very well justified and for that reason she supported Council Member Uhlich's motion.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Uhlich, and Trasoff; and Vice Mayor West.

Nay: Council Member Ibarra, Scott, Leal, and Mayor Walkup.

Motion failed by a roll call vote of 3 to 4.

Kathleen S. Detrick, City Clerk, announced the Mayor and Council would be asked to adopt the proposed fee at the April 4, 2007, Mayor and Council meeting.



#### **14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 132, dated March 20, 2007, would be received into and made a part of the record. He asked for a motion to approve the first appointments in the report.

Council Member Trasoff asked if there needed to be two separate motions.

Kathleen S. Detrick, City Clerk, stated that there did need to be two separate motions.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice of 7 to 0, to appoint Carl Bedford, and reappoint Kareen Johannessen, and Jan Blaser-Upchurch to the Pima County/City of Tucson Commission on Addiction, Prevention and Treatment.

It was moved by Council Member Trasoff, duly seconded, to direct staff to return with a resolution appointing José A. Ramirez to the Civil Service Commission.

Mayor Walkup asked if there was any discussion.

Council Member Trasoff said her staff interviewed Mr. Ramirez and she reviewed his resume and he was very outstanding. He had served the City with two terms on the Citizens' Commission on Public Service and Compensation, once as chairman and once as vice-chair. He had extensive experience in human resources management having been a human resource director at Lucent Technologies, and senior human resources manager with AT&T. Among his current jobs, he serves as a mediator with the Arizona Attorney General's Office. She said she believed he would bring distinctive skills to this position and she said she believed he would serve them well.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a voice vote.

The motion passed by a voice vote of 6 to 1 (Mayor Walkup dissenting).

Mayor Walkup asked if there were any personal appointments to be made. There were none.

**15. ADJOURNMENT:** 9:12 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 27, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 20th day of March 2007, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:rm:jmg:cdj